



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,345	06/22/2001	Michael Gary Platner	030950.0004.UTL	8906
20985	7590	01/21/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 01/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,345

Applicant(s)

PLATNER ET AL

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/5/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 11-29-04 amended claims 1, 3, 4, 14, 16, 17 and 27 as well as traversed rejections of Claims 1 - 31.

Currently, claims 1- 31 are pending.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 6 – 15, 17 – 21 and 23 - 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Messner (US 6,370,514 B1).

Regarding claim 1 and related claims 17, 27 and 28 (Currently amended), Messner teaches a method comprising the steps of:

receiving payment for a plurality of certificates; providing said plurality of certificates to a purchaser, each of said certificates comprising an authorization code, wherein said authorization code of each of said plurality of certificates is different, and further wherein said plurality of certificates are redeemable for an online product at a reduced fee (see at least Abstract, Col 1, lines 34 – 35, Col 3, lines 9 – 11 and 36 – 46, Col 4, lines 1 – 9 and Col 12, lines 33 – 35);

Art Unit: 3625

providing one of said plurality of certificates to a user from said purchaser (see at least Abstract);

providing a web site associated with said certificate over a system of networked computers (see at least Col 3, lines 36 – 46);

receiving entry of said authorization code on said web site by said user (see at least Col 4, lines 1 – 9);

receiving said reduced fee for said online product from said user (see at least Col 12, lines 33 – 35);

and

sending said online product to said user in response to said step of receiving said reduced fee (see at least Col 11, lines 48 – 50).

Regarding claim 2 and related claim 19, the recitations that “wherein said online product comprise an online product related to the funeral industry”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “online products” already disclosed by Messner (Col 8, lines 17 - 18).

Regarding claim 3, Messner teaches a method, wherein said at least one characteristic comprises information relating to said user (Col 4, lines 1 – 9).

Art Unit: 3625

Regarding claim 4, Messner teaches a method, wherein said certificate is purchased online by said user (Abstract).

Regarding claim 6 (Original), Messner teaches a method, wherein said certificate is not redeemable for cash (Col 3, lines 36 – 46).

Regarding claim 7 and related claim 18 (Original), Messner teaches a method, wherein said certificate comprises a physical certificate (Col 1, line 40 – 41).

Regarding claim 8 and 9 (Original), Messner teaches a method, wherein said certificate comprises a free certificate (Abstract).

Regarding claim 10 (Original), Messner teaches a method, wherein said certificate comprises a nonfree certificate allowing said user to obtain said online product at a reduced fee (Col 12, lines 34 – 35).

Regarding claim 11 (Original), the recitation that “wherein said certificate allows said user to rent software via an application service provider for a specified time period”, such recitations are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “certificates” already disclosed by Messner.

Art Unit: 3625

Regarding claim 12 and related claim 23, Messner teaches a method, wherein said online product is an online service (Col 8, lines 17 – 18).

Regarding claim 13 and related claims 25, 26 and related claim 31, Messner teaches a method, wherein said online product is customized to include information relating to said purchaser (Col 8, lines 17 – 18). Please note that Messner does not specifically disclose customizing products online. Messner does disclose products and Messner further discloses customization (Col 3, lines 41 – 42). Moreover, it was old and well known to one of ordinary skill in the art at the time of the applicant's invention that online systems for customizing products for the purchaser as well as the user were used extensively and include products such as ecards. This customizing of products will increase shopping options and save time too and thereby increase customer satisfaction, which will increase the probability that the user will purchase more products.

Regarding claim 14, Messner teaches a method, wherein a plurality of purchasers provide certificates to users and said online product is customized to reflect information relating to said purchaser (Abstract and Col 8, lines 42 –46).

Regarding claim 15, Messner teaches a method, wherein said authorization code is unique (Col 4, lines 1 – 9).

Art Unit: 3625

Regarding claim 20, the recitation that “giving said at least one of said plurality of certificates from said user to said second user”, such recitations are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “giving (of gift certificates)” already disclosed by Messner. Moreover, “giving” is well known in everyday life and thereby this free choice that one makes of choosing to “give” is done everyday. Therefore, these choices of “giving” recited in the claim, which are made every day by millions of individuals is given very little patentable weight.

Regarding claim 22, the recitations that “wherein second online product is the same as the first online product”, such recitations are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “online products” already disclosed by Messner.

Regarding claim 24, Messner teaches wherein said authorization code is associated with characteristics of said purchaser (Abstract and Col 4, lines 1 – 9).

Regarding claim 29, the recitations that “wherein said user and said purchaser are the same entity”, such recitations are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “user/purchaser” already disclosed by Messner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 16 and 21 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messner (US 6,370,514 B1) in view of Walker (US 2002/0178071 A1).

Messner discloses and teaches substantially the applicant's invention.

However, the combination does not specifically disclose a method wherein said certificate is sold to a purchaser and said purchaser sells certificate to said user. Nor does the combination specifically disclose a method further comprising: providing a commission to said entity; purchasing a second online product by said user; and providing a second commission to said entity as well as wherein said second online product is the same as the first online product.

Regarding claim 5, Walker teaches a method wherein said certificate is sold to a purchaser and said purchaser sells certificate to said user (Abstract and Figure 1A).

Please note that Walker does not specifically disclose reselling certificates such as coupons. However, Walker does disclose reselling products. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Walker with a method for reselling certificates such as coupons. In this manner, the purchaser can use these incentives to increase their sales.

Regarding claim 16 and related claim 21, Walker teaches a method, further comprising: providing a commission to said entity; purchasing a second online product by said user; and providing a second commission to said entity (Para 055).

Regarding claim 22, Walker teaches a method, wherein said second online product is the same as the first online product (Figure 1A).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Messner with the method of Walker to have enabled a method wherein said certificate is sold to a purchaser and said purchaser sells certificate to said user; and further comprising: providing a commission to said entity; purchasing a second online product by said user; and providing a second commission to said entity as well as wherein said second online product is the same as the first online product – in order to provide additional offers of certificates such as coupons. Messner discloses a method comprising the steps of: providing a plurality of certificates, each of said certificates comprising an authorization code, wherein said authorization

Art Unit: 3625

code of each of said plurality of certificates is different; obtaining a reduced fee for an online product by a purchaser, wherein said plurality of certificates are redeemable for said online product at said reduced fee; providing said plurality of certificates to said purchaser; providing one of said plurality of certificates to a user from said purchaser; connecting by said user to a web site associated with said certificate over a system of networked computers; entering by said user said authorization code on said web site; paying a reduced fee for said online product by said user; and obtaining said online product by said user in response to said step of paying. Walker discloses in the same area of online methods with coupons a method wherein said certificate is sold to a purchaser and said purchaser sells certificate to said user and a method further comprising: providing a commission to said entity; purchasing a second online product by said user; and providing a second commission to said entity as well as wherein said second online product is the same as the first online product (Abstract, Para 055 and Figure 1A). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Messner with a method wherein said certificate is sold to a purchaser and said purchaser sells certificate to said user and a method further comprising: providing a commission to said entity; purchasing a second online product by said user; and providing a second commission to said entity as well as wherein said second online product is the same as the first online product.

Response to Arguments

Applicant's arguments with respect to claims 1 - 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

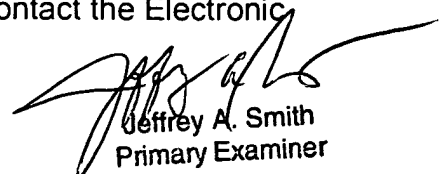
(703) 746-7418 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). RER


Jeffrey A. Smith
Primary Examiner